

Remarks/Arguments:

The above Amendments and these Remarks are in reply to the Office Action mailed February 10, 2005.

Claims 1-24 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-24. Reconsideration of the rejections is requested.

The drawings are objected to for failing to comply with 37 C.F.R. 1.84(p)(5). Figure 2 has been amended to remove the reference character "128".

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Baum et al., U.S. Patent 6,850,495. The Applicant respectfully traverses this rejection.

Baum et al., describes a communication system using the TCP/IP protocol. The Baum reference describes the quality of service (QoS) for TCP/IP in column 16, lines 57-61. QoS for TCP/IP can define certain performance or quality that the network needs to meet for the packet transfers. For example, Voice over IP (VoIP) can use quality of service to ensure that the voice data packets will be received at the other end within a predetermined period of time. Packets received later than the time indicated by the QoS may be unusable by the voice application. Within the TCP/IP protocol, quality of service does not relate to the decision to transfer a message as a multicast.

The Baum reference in column 22, line 10 to line 63 discusses TCP/IP multicasting. IP version 4 (IPv4) includes class D addresses which permit multicasting. In IPv4, multicasting addresses are not assigned to computers and are not reserved or controlled by the owner. These addresses are controlled by routers which multicast packets in accordance to the internet group multicast protocol (IGMP). The routers will forward packets of a multicast to each machine which has signed up with the router for the multicast. The quality of service indication in TCP/IP has nothing to do with the TCP/IP multicast.

The TCP/IP system described in Baum is significantly different from the system of the present invention's independent claims.

Independent claim 1 reads as follows:

1. A system for providing two qualities of service from a single data stream, comprising:
 - (a) a storage space for storing at least one of a first quality of service choice and a second quality of service choice for each of a plurality of users;

(b) a processor programmed to direct the data stream for each user according to that user's quality of service choice;

(c) multicasting apparatus for receiving the data stream from the processor and multicasting the data stream to each user for which the first quality of service choice is stored in said storage space; and

(d) a point-to-point device for receiving the data stream from the processor and ensuring that each user for which the second quality of service is stored in said storage space receives the data stream.

Independent claim 8 reads as follows:

8. A method for allowing a user to select a quality of service for message delivery, comprising:

(a) storing at least one of a first quality of service choice and a second quality of service choice for each user of the system;

(b) processing each message received on a data stream using a single API and redirecting the message for each user according to that user's quality of service choice;

(c) multicasting the message to each user selecting the first quality of service; and

(d) sending the message directly to each user selecting the second quality of service and ensuring that the user receives the message.

Independent claim 15 reads as follows:

15. (Original): A method for providing two qualities of service from a single data stream, comprising:

(a) storing at least one of a first quality of service choice and a second quality of service choice for each of a plurality of users;

(b) directing each message received on the data stream for each user according to that user's quality of service choice;

(c) multicasting the message to each user selecting the first quality of service; and

(d) sending the message directly to each user selecting the second quality of service and ensuring that the user receives the message.

Independent claim 21 reads as follows:

21. (Original): A computer-readable medium, comprising:

(a) means for storing at least one of a first quality of service choice and a second quality of service choice for each user of a system;

(b) means for processing each message received on a data stream using a single API and redirecting the message for each user according to that user's quality of service choice;

(c) means for multicasting the message to each user selecting the first quality of service; and

(d) means for sending the message directly to each user selecting the second quality of service and ensuring that the user receives the message.

Independent claim 22 reads as follows:

22. (Original): A computer program product for execution by a server computer for allowing a user to select a quality of service for message delivery, comprising:

(a) computer code for storing at least one of a first quality of service choice and a second quality of service choice for each user of a system;

(b) computer code for processing each message received on a data stream using a single API and redirecting the message for each user according to that user's quality of service choice;

(c) computer code for multicasting the message to each user selecting the first quality of service; and

(d) computer code for sending the message directly to each user selecting the second quality of service and ensuring that the user receives the message.

Independent claim 23 reads as follows:

23. (Original): A system for allowing a user to select a quality of service for message delivery, comprising:

(a) means for storing at least one of a first quality of service choice and a second quality of service choice for each user of a system;

(b) means for processing each message received on a data stream using a single API and redirecting the message for each user according to that user's quality of service choice;

(c) means for multicasting the message to each user selecting the first quality of service; and

(d) means for sending the message directly to each user selecting the second quality of service and ensuring that the user receives the message.

Independent claim 24 reads as follows:

24. (Original): A computer system comprising: a processor;

object code executed by said processor, said object code configured to:

(a) store at least one of a first quality of service choice and a second quality of service choice for each user of a system;

(b) process each message received on a data stream using a single API and redirecting the message for each user according to that user's quality of service choice;

(c) multicast the message to each user selecting the first quality of service; and

(d) send the message directly to each user selecting the second quality of service and ensuring that the user receives the message.

Each of the independent claims describe using two quality of service choices. The messages are multicast to users when the first quality of service choice is stored for the users and sent directly to the users when the second quality of service choice is selected. Such a system is not shown, suggested or given a motivation for in the Baum reference. In the IPv4 the system

described in Baum, the router transmits a multicast whenever a multicast address is used. In the present claimed invention, the stored quality of service indication allow the system to select between multicast and non-multicast transmission. Such a use of a quality of service indication is not shown, suggested or given a motivation for in Baum reference. The IPv4 system of Baum uses an address range to indicate a multicast.

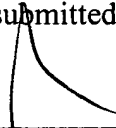
For the above reasons, the independent claims 1, 8, 15, 21, 22, 23 and 24 are believed to be allowable. Dependent claims 2-7, 9-14 and 16-20 are dependent upon the independent claims and for this reason and because of the additional limitations of these claims, are believed to be allowable.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if she can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 2, replaces the original sheet Fig. 2. In Figure 2, the label “128” has been deleted.